

## Remarks

Claims 1, 4-6, 8-14, 17, 18, 21-23, and 25 are pending. Claims 1, 4-6, 8-14, 17, 18, 21-23, and 25 are rejected. Claims 1 and 4 are amended herein. Claims 2-3, 7, 15-16, 19-20, 24, and 26-45 were cancelled previously. No new matter is added. All rejections and objections are respectfully traversed.

Claims 1 and 4 are amended to correct minor typographical errors. No new matter is added.

Claims 1, 4-6, 8-14, 17, 18, 21-23, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Dreke, et al., (U.S. Pub. No. 2002/0035594 – “Dreke”).

Dreke describes a server and three client devices that communicate with each other using **only** the internet, see Figure 1, below:

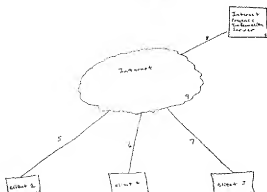


Fig. 1

Dreke can never anticipate what is claimed because the independent claims explicitly recite communication using more than one network, i.e., at least the internet and a second communication network at least.

Further still, VPN does not appear anywhere in Dreke. MPEP 2131 explicitly states that in order to anticipate a claim "each and every element as set forth in the claims" must be found in the prior art reference." The identical invention must be shown in as complete detail as is contained in the ... claim." Dreke only teaches communications between devices using the internet, and never teaches a VPN anywhere. There is no need for or suggestion of a VPN in Dreke. In fact, VPN, virtual, and private do not appear anywhere in Dreke. Peer-to-peer communications do not teach VPN communications.

Further, even though the Internet is not shown in Figures 2-4 of Dreke, it is clearly described in the specification that all communications are via the Internet only, see, e.g., paragraph [0017], below:

ditions: 1) Peers A, B, and C use clients 1, 2, and 3 respectively to log onto the Internet; 2) Peer A is interested in the Internet presence of Peers B and C; 3) Peer B is interested in the Internet presence of Peer A; 4) Peers A and B are not currently logged onto the Internet; and 5) Peer C is currently logged onto the Internet. Once a peer uses one of clients 1, 2, or 3 to log onto the Internet (also referred to in this document as "logging on-line"), the peer is considered to be present on the Internet. FIG. 2 illustrates these initial conditions. In FIG. 2, the white background in the and further down in [0017]:

arrows in **FIG. 3**. In **FIG. 3**, the shading in both Peer A and Peer C's blocks indicates they are both currently logged on.

And paragraph [0018] teaches exactly the Applicants assertion that even "direct" contact is via the internet, see below:

[0018] Peer A may now validate the received IP addresses by attempting to directly contact Peer B and Peer C via the Internet without utilizing IPIS 4. This is indicated by the arrows numbered 303 and 304 in FIG. 3. At this point, Peer A does not know which of the IP addresses received from IPIS 4 are valid. Detecting an active Internet host with a certain IP address is not enough to validate that a peer is on-line, because the same IP address that was used during the last Internet session of the peer in question could have been re-used by the Internet Service Provider (ISP) and thus could be in use by another peer. Therefore, validating an IP

The Examiner should point specifically to any communications described in Dreke that use any network other than the Internet, or should reconsider and withdraw the rejection of claims , 4-6, 8-14, 17, 18, 21-23, and 25 based at least on the reasons stated above.

In claim 4, said first device and said second device are further adapted to be coupled to the second communication network. The Examiner fails to mention that the server and clients of Dreke are all connected only to the Internet. Claimed is a second communications network, which is not the Internet as the Internet is explicitly recited in the claims. The same is true for claim 5, where said controller is adapted to inform said first device, via said second communication network, as to whether or not said second device is coupled to the internet.

Again with claim 6, clients and the server in Dreke can only communicate via the internet. That can never anticipate what is claimed.

Regarding claim 8, the internet is packet switched, not circuit switched. Even though packets may traverse physical elements of a circuit switched network, the internet is a packet switched protocol (IP). The Examiner's

assertion that a second circuit switched network is an inherent feature of the Internet as applied to claim 8 makes no sense. Further, the Internet is recited in the claims independent of other communications networks, not inherently including them as the Examiner suggests. That is not what is claimed.

Regarding claim 9, as stated above, Dreke never teaches a second communication network or a VPN. Dreke can never anticipate what is claimed. The same is true for claims 10-14, 17-18 and 21-23 and 25, which all explicitly require at least a second communications network other than the Internet.

The Examiner seems to believe there is a phantom second network other than the internet disclosed somewhere in Dreke. The Applicant respectfully requests the Examiner specifically point out, citing specific paragraphs, exactly which words in Dreke describe communications between and among client devices and the server over any network other than the internet. The rejections based on Dreke should be withdrawn as failing to teach major elements of what is claimed.

Claims 1, 4-6, 8-14, 17, 18, 21-23, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Banks, et al., (U.S. 6,684,336 – “Banks”).

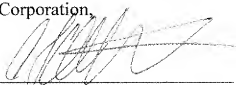
Banks describes two end systems and a service system all communicating over the same communications infrastructure, whether the Internet or some other packet switched network. The end systems connect to the same network prior to Banks data transfer taking place. There is no description of a controller operable to receive said current dynamic network addresses via

the second communication network and to provide said current dynamic network address of said second device to said first device such that a virtual private network (VPN) can be efficiently established between said first device and said second device using the internet, as claimed. There is no second communications network over which communications take place to set up a VPN between a first device and a second device using the Internet. The applied art is devoid of any of the above teachings of communications over a second network to establish a VPN using the Internet. Further, the application of the art where referenced by the Examiner appears almost arbitrary, as it fails to teach anything relevant to what is claimed other than end systems communicating with each other, which is common. However, Banks falls very short of teaching what is claimed. The rejections of claims 1, 4-6, 8-14, 17, 18, 21-23, and 25 should be reconsidered and withdrawn.

It is believed that this application is now in condition for allowance. A notice to this effect is respectfully requested. Should further questions arise concerning this application, the Examiner is invited to call Applicant's attorney at the number listed below. Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account 50-3650.

Respectfully submitted,  
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By



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